

## HOUSE BILL NO. 376

INTRODUCED BY M. LINDEEN

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING AN OFFICE OF INFORMATION TECHNOLOGY IN THE OFFICE OF THE GOVERNOR; PROVIDING FOR A STATE INFORMATION TECHNOLOGY POLICY; ESTABLISHING A BOARD OF INFORMATION TECHNOLOGY; TRANSFERRING INFORMATION TECHNOLOGY PLANNING AND POLICYMAKING FUNCTIONS TO THE OFFICE OF INFORMATION TECHNOLOGY; AMENDING SECTIONS 2-3-301, 2-6-214, 2-15-114, 2-15-404, 2-17-302, 2-17-306, 2-17-311, 2-17-312, 2-17-313, 2-17-322, 2-17-323, 2-17-501, 2-17-503, 5-11-402, 5-11-403, 5-12-205, 10-3-106, 17-7-111, 17-7-112, 17-7-123, 18-4-313, 20-32-102, 61-3-345, 61-3-346, AND 61-3-347, MCA; REPEALING SECTIONS 2-17-304, 2-17-305, 2-17-321, AND 2-17-502, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Office of information technology.** There is an office of information technology established in the office of the governor. The office is headed by a chief information officer who is appointed by the governor.

**NEW SECTION. Section 2. Board of information technology -- membership -- qualifications -- vacancies -- compensation.** (1) There is a board of information technology. The board consists of 17 members who are appointed as follows:

(a) the chief information officer, provided for in [section 1], who serves as presiding officer of the board;

(b) six members who are directors of state agencies or the directors' designees and who are appointed by the governor;

(c) two members representing local government, appointed by the governor;

(d) one member representing the federal government, appointed by the governor;

(e) one member representing the private sector, appointed by the governor;

(f) one member of the house of representatives, appointed by the speaker of the house of

1 representatives;

2 (g) one member of the senate, appointed by the president of the senate;

3 (h) one member representing the legislative branch, appointed by the legislative branch computer  
4 system planning council;

5 (i) one member representing the judicial branch, appointed by the chief justice of the supreme  
6 court;

7 (j) one member representing the university system, appointed by the board of regents; and

8 (k) one member representing K-12 education, appointed by the superintendent of public  
9 instruction.

10 (2) Appointments must be made without regard to political affiliation and must be made solely for  
11 the wise management of the information technology resources used by the state. A person may not be  
12 appointed to the board unless the person is informed or interested and experienced in the subject of  
13 information technology.

14 (3) A vacancy occurring on the board must be filled by the appointing authority in the same  
15 manner as the original appointment.

16 (4) The board shall function in an advisory capacity as defined in 2-15-102.

17 (5) Members of the board must be reimbursed and compensated in the same manner as members  
18 of quasi-judicial boards under 2-15-124(7), except that legislative members are reimbursed and  
19 compensated as provided in 5-2-302.

20

21 NEW SECTION. **Section 3. Short title.** [Sections 3 through 17] may cited as the "Montana  
22 Information Technology Policy Act".

23

24 NEW SECTION. **Section 4. Policy.** (1) It is the policy of the state that information technology be  
25 used to improve the quality of life of Montana citizens by providing educational opportunities, creating  
26 quality jobs and a favorable business climate, improving government, and protecting individual privacy and  
27 the privacy of the information contained within information technology systems.

28 (2) It is the policy of the state that the development of information technology resources in the  
29 state must be conducted in an organized, deliberative, and cost-effective manner. The following concepts  
30 must be considered in the development of state information technology resources:

1 (a) There are statewide information technology policies, standards, procedures, and guidelines  
2 applicable to all state agencies and other entities using the state information technology network.

3 (b) Common data is entered once and shared among agencies.

4 (c) In order to minimize unwarranted duplication, similar information technology systems and data  
5 management applications are implemented and managed in a coordinated manner.

6 (d) Planning and development of information technology resources are conducted in conjunction  
7 with budget development and approval.

8 (e) Access to information and services provided by state information technology systems is  
9 user-friendly and is based on the citizen's perspective, not an individual department's perspective.

10 (f) Information technology systems are deployed aggressively whenever it can be shown that  
11 aggressive deployment will provide improved services to Montana citizens.

12 (g) Public-private partnerships are used to deploy information technology systems when practical  
13 and cost-effective.

14 (h) State information technology systems are developed in cooperation with the federal  
15 government and local governments with the objective of providing seamless access to information and  
16 services to the greatest degree possible.

17 (i) State information technology systems are able to accommodate electronic transmissions  
18 between the state and its citizens, businesses, and other government entities.

19 (3) It is the policy of the state that the office must be accountable to the governor, the legislature,  
20 and the citizens of Montana.

21

22 NEW SECTION. **Section 5. Definitions.** As used in [sections 3 through 17], the following  
23 definitions apply:

24 (1) "Board" means the board of information technology provided for in [section 2].

25 (2) "Central computer center" means any:

26 (a) shared or sharable computer system and facilities provided by the department of administration  
27 for use by government agencies; or

28 (b) computer operations and software development support services provided by the department  
29 of administration.

30 (3) "Chief information officer" means the office head provided for in [section 1].

(4) "Information technology" means hardware, software, and associated services and infrastructure used to store or transmit information in any form, including voice, video, and electronic data.

(5) "Office" means the office of information technology provided for in [section 1].

(6) "State agency" means any entity of the executive branch, including the university system.

(7) "Statewide information technology network" means any telecommunications facility, circuits, equipment, or software administered by the department of administration for the transmission of data from one computer to another by government agencies.

**NEW SECTION. Section 6. Duties of chief information officer.** The duties of the chief information officer include but are not limited to:

(1) carrying out all powers and duties of the office as established in [section 7];

(2) presiding over the board as provided for in [section 2];

(3) reporting the activities of the office to the legislature and its committees on a regular basis;

and

(4) representing the state with other private and public entities on matters of information technology.

**NEW SECTION. Section 7. Powers and duties of office of information technology.** The office shall:

(1) develop and maintain a state information technology strategic plan pursuant to [section 13];

(2) review and approve agency information technology plan requirements pursuant to [section 16];

(3) establish statewide information technology policies and standards;

(4) evaluate information technology budget requests;

(5) coordinate the sharing of information regarding the existence of information technology systems that may satisfy emerging needs of agencies; and

(6) provide and present regular reports to the legislative finance committee.

**NEW SECTION. Section 8. Duties of board.** The board shall:

(1) provide a forum to:

(a) guide state agencies, the legislative branch, the judicial branch, and local governments in the

1 development and deployment of intergovernmental information technology resources;

2 (b) share information among state agencies, local governments, and federal agencies regarding  
3 the development of information technology resources;

4 (2) advise the office in the development of cooperative contracts for the purchase of information  
5 technology resources;

6 (3) review and advise the chief information officer on:

7 (a) statewide information technology standards and policies;

8 (b) the state information technology strategic plan;

9 (c) major information technology budget requests; and

10 (d) the implementation of major information technology projects and advise the respective  
11 governing authority of any issue of concern to the board relating to implementation of a project;

12 (4) study state government's present and future information technology needs and advise the chief  
13 information officer on the possible use of emerging technology in state government; and

14 (5) request information and reports that it considers necessary from any entity using or having  
15 access to the central computer center or the statewide information technology network.

16  
17 **NEW SECTION. Section 9. Granting exceptions to state agencies.** Subject to [section 10], the  
18 office may grant exceptions to any policy, standard, or other requirement of [sections 3 through 17] if it  
19 is in the best interests of the state. The chief information officer shall inform the board, the office of  
20 budget and program planning, and the legislative finance committee of all exceptions that are granted and  
21 of the rationale for granting the exceptions. The office shall maintain written documentation that identifies  
22 the terms and conditions of the exception and the rationale for the exception.

23  
24 **NEW SECTION. Section 10. Exemptions -- university system -- office of public instruction.** (1)  
25 The university system and the office of public instruction are exempt from the provisions of 2-17-501(1)(a)  
26 and (1)(c) unless the proposed activities would affect the operation of the central computer center or the  
27 statewide information technology network.

28 (2) The office, upon notification of proposed activities by the university system or the office of  
29 public instruction, shall determine if the central computer center or the statewide information technology  
30 network would be affected by the proposed activity.

(3) For purposes of this section, a proposed activity affects the operation of the central computer center or the statewide information technology network if it affects the processing workload, reliability, cost of providing service, or support service requirements of the central computer center or the statewide information technology network.

(4) When reviewing proposed activities submitted by the university system or the office of public instruction, the office shall consider and make reasonable allowances for the unique educational needs and characteristics of the university system and the office of public instruction to communicate and share data with units of the university system and with school districts.

**NEW SECTION. Section 11. Legislative and judicial branch information sharing.** The legislative branch and the judicial branch shall provide their information technology plans to the office.

**NEW SECTION. Section 12. Rulemaking authority.** (1) The office shall adopt rules to implement [sections 3 through 17], including the following:

(a) rules to guide the review and approval process for state agency software and management systems that provide similar functions for multiple state agencies, which must include but are not limited to rules:

(i) identifying the software and management systems that must be approved;

(ii) establishing the information that state agencies are required to provide to the office; and

(iii) establishing guidelines for the office's decisions on approval or disapproval;

(b) rules to guide the review and approval process for state agency acquisition of information technology resources, which must include but are not limited to processes and requirements for:

(i) agency submissions to gain approval for acquiring information technology resources;

(ii) approving specifications for information technology resources; and

(iii) approving contracts for information technology resources; and

(c) rules for granting exceptions from the requirements of [sections 3 through 17], which must include but are not limited to:

(i) a process for applying for an exception; and

(ii) guidelines for determining the office's decisions on approval or disapproval.

(2) The office may adopt rules to guide the development of agency information technology plans.

1 The rules may include:

2 (a) agency plan review procedures;

3 (b) agency plan content requirements;

4 (c) guidelines for the office's decisions on approval or disapproval; and

5 (d) dispute resolution processes and procedures.

6 (3) Adequate rules for the use of any information technology resources must be adopted by the:

7 (a) supreme court for judicial branch agencies; and

8 (b) legislative council, with the concurrence of the legislative audit committee and the legislative

9 finance committee, for the consolidated legislative branch, as provided for in 5-2-504.

10

11 NEW SECTION. **Section 13. State information technology strategic plan.** (1) The office shall  
12 prepare a state information technology strategic plan. The office shall seek the advice of the board and  
13 the information services division of the department of administration in the development of the plan.

14 (2) The plan must:

15 (a) reflect the policies as set forth in [section 4] and be in accordance with statewide standards  
16 and policies established by the office;

17 (b) establish the statewide mission, goals, and objectives for the use of information technology,  
18 including goals for electronic access to government records, information, and services; and

19 (c) establish the strategic direction for how state agencies will develop and use information  
20 technology resources to provide state government services.

21 (3) The office shall update the plan as necessary.

22

23 NEW SECTION. **Section 14. Distribution of information technology strategic plan.** (1) The office  
24 shall distribute the state information technology strategic plan and the biennial report to the governor and  
25 to the legislature as provided in 5-11-210.

26 (2) Updates to the state information technology strategic plan must be provided to the governor  
27 by March 1 of each even-numbered year and to the legislative finance committee at its next scheduled  
28 meeting after March 1.

29 (3) By April 1 of each even-numbered year, the updated state information technology strategic  
30 plan must be distributed to all state agencies with instructions and schedules for updating and approving

1 agency information technology plans in accordance with [section 15].

2

3 **NEW SECTION. Section 15. Agency information technology plans -- policy.** (1) Each state agency  
4 is required to develop and maintain an agency information technology plan. The agency information  
5 technology plans must reflect the content and format requirements specified in [section 16].

6 (2) An agency information technology plan must be submitted to and approved by the office as  
7 described in [section 16].

8 (3) New investments in information technology may be included in the governor's budget only if  
9 the project is contained in the approved agency information technology plan.

10

11 **NEW SECTION. Section 16. Agency information technology plans -- required content -- review**  
12 **and approval.** (1) Each agency's information technology plan must include but is not limited to the  
13 following:

14 (a) a statement of the agency's mission, goals, and objectives for information technology,  
15 including how the public, businesses, and other agencies may achieve electronic access to agency records,  
16 information, and services;

17 (b) an explanation of how the agency's mission, goals, and objectives for information technology  
18 support and conform to the state information technology strategic plan required in [section 13];

19 (c) a baseline profile of the agency's current information technology resources and capabilities that  
20 will serve as the basis for subsequent planning and performance measures;

21 (d) a life cycle cost analysis for new information technology projects and resources, including  
22 initial investment, maintenance, and replacement costs;

23 (e) when feasible, estimated schedules and funding required to implement identified projects; and

24 (f) any other information required by law or requested by the chief information officer, the  
25 governor, or the legislature.

26 (2) State agencies shall prepare agency information technology plans using standards, elements,  
27 forms, and formats specified by the office.

28 (3) Agency information technology plans must be submitted to the office for review and approval  
29 according to a schedule adopted by the chief information officer.

30 (4) The office may reject, require modification of, or approve agency information technology plans



1 as considered appropriate by the office. The primary basis for evaluating agency information technology  
2 plans must be conformity to the state information technology strategic plan, as provided for in [section  
3 13].

4 (5) Agency information technology plans must be updated and submitted to the office in a timely  
5 manner and are subject to review and approval whenever substantive changes occur to an agency's  
6 information technology profile.

7

8 **NEW SECTION. Section 17. Information technology budget summary.** (1) The office of budget  
9 and program planning, in cooperation with the office, shall prepare a statewide summary of major new  
10 information technology projects contained in the state budget. The office of budget and program planning  
11 and the office shall jointly determine the criteria for classifying a project as a major new information  
12 technology project. The information technology project summary must include:

13 (a) a listing by institution, agency, or branch of all major new information technology budget  
14 requests included in the state budget. Each information technology budget request included on the list  
15 must include:

16 (i) a description of what would be accomplished by funding the request;

17 (ii) the proposed amount of the request; and

18 (iii) the funding source for the request.

19 (b) a listing of internal service rates proposed for providing information technology services. Each  
20 internal service rate included on the list must include:

21 (i) a description of the services provided; and

22 (ii) a breakdown, aggregated by fund type, of requests included in the state budget to support the  
23 rate.

24 (c) any other information as determined by the budget director or the chief information officer or  
25 as requested by the governor or the legislature.

26 (2) The statewide summary of information technology projects must be presented to the legislative  
27 fiscal analyst in accordance with 17-7-111(4).

28

29 **Section 18.** Section 2-3-301, MCA, is amended to read:

30 **"2-3-301. Agency using electronic mail to accept public comment electronically -- dissemination**

**of electronic mail address and documents required -- prohibiting fees.** (1) An agency that accepts public comment pursuant to a statute, administrative rule, or policy, including an agency adopting rules pursuant to the Montana Administrative Procedure Act or an agency to which 2-3-111 applies, shall, ~~if the agency is capable of receiving electronic mail from the internet world wide web,~~ provide for the receipt of public comment by the agency by use of ~~that~~ an electronic mail system.

(2) As part of the agency action required by subsection (1), an agency shall disseminate by appropriate ~~mediums~~ media its electronic mail address to which public comment may be made, including dissemination in:

- (a) rulemaking notices published pursuant to the Montana Administrative Procedure Act;
- (b) the telephone directory of state agencies published by the department of administration;
- (c) any notice of agency existence, purpose, and operations published on the internet world wide web, popularly known as a "website", used by the agency;
- ~~(d) the state electronic bulletin board; or~~
- ~~(e)(d)~~ (d) any combination of the methods of dissemination provided in subsections (2)(a) through ~~(2)(d)~~ (2)(c).

(3) An agency ~~that uses electronic mail and creates or receives electronic documents~~ shall, at the request of another agency or person, disseminate the electronic documents to that agency or person by electronic mail in place of surface mail. An agency may not charge a fee for providing documents by electronic mail in accordance with this subsection.

(4) As used in this section, "agency" means a department, division, bureau, office, board, commission, authority, or other agency of the executive branch of state government."

**Section 19.** Section 2-6-214, MCA, is amended to read:

**"2-6-214. Department of administration -- powers and duties.** (1) In order to ensure compatibility with the ~~computer~~ information technology and telecommunications systems of state government, the department of administration shall ~~develop~~ advise the office of information technology on necessary standards for technological compatibility for state agencies for records management equipment or systems used to electronically capture, store, or retrieve public records through computerized, optical, or other electronic methods.

(2) The department of administration shall approve all acquisitions of executive agency records

1 management equipment or systems used to electronically capture, store, or retrieve public records through  
2 computerized, optical, or other electronic methods to ensure compatibility with the standards developed  
3 by the office of information technology under ~~subsection (1)~~ [section 7].

4 (3) The department of administration is responsible for the management and operation of  
5 equipment, systems, facilities, or processes integral to the department's central computer and  
6 telecommunications systems."

7  
8 **Section 20.** Section 2-15-114, MCA, is amended to read:

9 **"2-15-114. Security responsibilities of departments for data and information technology resources.**

10 Each department head is responsible for ~~assuring~~ ensuring an adequate level of security for all data and  
11 information technology resources within ~~his~~ that department and shall:

12 (1) develop and maintain written internal policies and procedures to ~~assure~~ ensure security of data  
13 and information technology resources. The internal policies and procedures are confidential information  
14 and exempt from public inspection, except that ~~such~~ the information must be available to the legislative  
15 auditor in performing ~~his~~ postauditing duties.

16 (2) designate an information security manager to administer the department's security program  
17 for data and information technology resources;

18 (3) implement appropriate cost-effective safeguards to reduce, eliminate, or recover from identified  
19 threats to data and information technology resources;

20 (4) ensure that internal evaluations of the security program for data and information technology  
21 resources are conducted. The results of ~~such~~ the internal evaluations are confidential and exempt from  
22 public inspection, except that ~~such~~ the information must be available to the legislative auditor in performing  
23 ~~his~~ postauditing duties.

24 (5) include appropriate security requirements, as determined by the department, in the written  
25 specifications for the department's solicitation of data and information technology resources; and

26 (6) ~~maintain an information technology plan, including~~ include a general description of the existing  
27 security program and future plans for ~~assuring~~ ensuring security of data and information technology  
28 resources in the agency information technology plan as provided for in [section 16]."

29  
30 **Section 21.** Section 2-15-404, MCA, is amended to read:

1           **"2-15-404. Electronic filing system -- requirements -- rules.** (1) As authorized by 2-15-401, the  
2 secretary of state may develop and implement a statewide electronic filing system to accommodate the  
3 electronic filing of records and documents that are required to be filed in the office of the secretary of  
4 state.

5           (2) If the secretary of state develops and implements a statewide electronic filing system, the  
6 secretary of state shall establish a central database for all records and documents filed electronically with  
7 the secretary of state.

8           (3) If the secretary of state develops and implements a statewide electronic filing system, the  
9 secretary of state shall adopt rules that:

10           (a) provide procedures for entering data;

11           (b) provide security and protection of information in the system and monitor the database and  
12 other components of the system to ensure that unauthorized entry is precluded;

13           (c) require standardized information for entry into the system;

14           (d) prescribe an identification procedure for a person filing records or other documents or  
15 otherwise accessing the system;

16           (e) require each individual who is required to sign a document that is filed electronically to be  
17 specifically identified as acknowledging the document and giving assent to the electronic filing through an  
18 identification procedure unique to that individual;

19           (f) prescribe a procedure for certification of electronic filings by the secretary of state; and

20           (g) prescribe a procedure for converting an electronic filing to a paper copy and for certifying the  
21 paper copy for a person requesting a paper copy.

22           (4) In accordance with 2-17-501, the secretary of state shall cooperate with the ~~department of~~  
23 ~~administration~~ office of information technology in the development of any electronic filing system.

24           (5) This section may not be construed to affect any requirement that a particular individual or  
25 officer of an organization acknowledge a document. Any person using an identification procedure in place  
26 of a signature or facsimile signature for any electronic filing is subject to the same civil and criminal  
27 penalties applicable to a person providing a signature or facsimile signature.

28           (6) An electronic filing system developed and implemented under this section may be constructed  
29 in phases as resources and technology allow."  
30

1           **Section 22.** Section 2-17-302, MCA, is amended to read:

2           **"2-17-302. Communication systems.** (1) The department of administration shall:

3           (a) provide communication services to all agencies of state government. The state communications  
4 system must be capable of passing voice, video, data, written information, and other forms of  
5 communication to and from distant points.

6           (b) exercise general operational supervision over all existing communications systems for all  
7 agencies of state government;

8           (c) ~~plan,~~ review, and approve any additional installations of communications equipment and  
9 systems for all agencies of state government, including mail equipment for state agencies within a 10-mile  
10 radius of the capitol area. In approving the installation of additional communications equipment or systems,  
11 the department shall first consult with and consider the recommendations and advice of the chief  
12 information officer and the executive department heads of the various state agencies.

13           (d) approve standards and procedures for selection, acquisition, and operation of communications  
14 equipment;

15           (e) ensure that all communications equipment is properly maintained. The department is authorized  
16 to establish a centralized maintenance program for all state communications equipment and to contract  
17 the equipment maintenance if it is in the state's best interest. The department shall maintain cost records  
18 and bill agencies for services rendered.

19           (f) provide assistance to the legislature, governor, chief information officer, and state agencies  
20 relative to state and interstate communication matters;

21           (g) provide a means ~~whereby~~ for political subdivisions of the state ~~may utilize~~ to use the state  
22 communications system, upon terms and under conditions ~~as that~~ the department may establish;

23           (h) accept federal funds granted by congress or by executive order for any purposes of this  
24 section, as well as gifts and donations from individuals and private organizations or foundations;

25           (i) foster the development of new and innovative communications systems and techniques within  
26 the state, ~~including but not limited to satellite communications and high-speed, high-density data transfer.~~  
27 To carry out the purposes of this section, the department may contract with qualified private organizations,  
28 foundations, or individuals if it is in the state's best interest.

29           (j) pay for and allocate to state agencies, as part of services rendered, the cost of any performance  
30 audit of the state communications system performed by or at the direction of the legislative auditor.

(2) The department may provide assistance to political subdivisions or nonprofit organizations, upon terms that the department may establish, relative to state and interstate communications systems and techniques.

(3) Adequate rules for the use of any communications equipment and facilities must be adopted by the:

(a) department for executive branch agencies;

(b) supreme court for judicial branch agencies; and

(c) legislature by joint rule for members of the legislature and legislative branch agencies."

**Section 23.** Section 2-17-306, MCA, is amended to read:

**"2-17-306. Exemption of law enforcement communications system -- exception.** The provisions of this part ~~shall~~ do not apply to the law enforcement communications system or its successor except ~~as to for~~ the provisions dealing with the purchase, maintenance, and allocation of communication facilities. However, the department of justice shall cooperate with the ~~department of administration~~ office of information technology to coordinate the communications networks of the state."

**Section 24.** Section 2-17-311, MCA, is amended to read:

**"2-17-311. Legislative recognition -- FCC contact agency.** The legislature recognizes that prior to issuing a land mobile public safety radio license, the federal communications commission (FCC) attempts to coordinate the license application with other licenses to minimize the interference caused by the overlapping of frequencies on the same channel or an adjacent channel. The ~~department of administration~~ office of information technology is the contact agency within the state of Montana to assist the FCC in the coordination of land mobile public safety radio frequencies."

**Section 25.** Section 2-17-312, MCA, is amended to read:

**"2-17-312. Land mobile public safety radio frequency utilization plan.** (1) In order to assist the federal communications commission in the coordination of land mobile public safety radio frequencies, the ~~department of administration~~ office of information technology shall develop and maintain a land mobile public safety radio frequency utilization plan.

(2) The plan must include but is not limited to:

(a) frequency usage and allocation standards relating to radio antenna height and power, types of use intended for the requested frequency, and other technical features of proposed radio systems;

(b) technical standards applying to types of radio usage;

(c) policies and procedures for the management of statewide mutual aid frequencies."

**Section 26.** Section 2-17-313, MCA, is amended to read:

**"2-17-313. Rulemaking authority.** (1) The ~~department of administration~~ office of information technology may adopt rules to implement the land mobile public safety radio frequency utilization plan provided for in 2-17-312.

(2) The ~~department~~ office shall obtain input from all state and local users of public safety radio services."

**Section 27.** Section 2-17-322, MCA, is amended to read:

**"2-17-322. Establishment.** (1) The department of administration shall establish and maintain appropriate electronic access systems for state agencies to use as a means of conveying information to the citizens of Montana. State agencies may establish electronic access systems that meet minimum technical standards established by the ~~department~~ office of information technology. Agencies involved in communicating information to the public shall use these systems to provide appropriate information to the public, including but not limited to:

(a) environmental assessments;

(b) rulemaking notices;

(c) board vacancy notices as required by 2-15-201;

(d) agency reports mandated by statute;

(e) parks reports required by 23-1-110;

(f) requests for bids or proposals; and

(g) public meeting notices and agendas.

(2) The purpose of electronic access systems is to encourage the practice of providing for direct citizen access to state computerized information."

**Section 28.** Section 2-17-323, MCA, is amended to read:

1       **"2-17-323. Responsibilities.** (1) The ~~department of administration~~ office of information technology

2 shall:

3       (a) in collaboration with other state agencies, set standards for the selection of software for the  
4 electronic access systems;

5       (b) establish appropriate services to support state agencies' use of the electronic access systems;

6       (c) develop user-friendly file transfer and message systems for entities regularly interacting with  
7 state government, such as professional associations and citizen groups, and promote the systems' use to  
8 reduce copying and mailing costs for state government; and

9       (d) determine operational procedures for use of the electronic access systems.

10       (2) The department of administration shall provide security to protect the integrity of its electronic  
11 access systems. Each department is responsible for ensuring the integrity and appropriateness of the  
12 information that it places in the electronic access systems.

13       (3) The department of administration shall provide for an equitable method for recovering the cost  
14 of operating the electronic access systems that the department provides."

15  
16       **Section 29.** Section 2-17-501, MCA, is amended to read:

17       **"2-17-501. Responsibilities of director of department of administration for ~~data processing~~**  
18 **information technology.** (1) Except as provided in subsection (2), the director of the department of  
19 administration, in cooperation with state agencies, shall:

20       (a) ~~establish policies and a statewide plan for the operation and development of data processing~~  
21 ~~for state government;~~

22       ~~—(b) review and approve agency specifications and procurement methods for the acquisition of data~~  
23 ~~processing information technology equipment;~~

24       ~~(c)(b)~~ review and approve agency specifications and procurement methods for the acquisition of  
25 software to ensure network compatibility and conformity with the ~~statewide data processing~~ state  
26 information technology strategic plan;

27       ~~(d)(c)~~ review and approve all contracts for private sector ~~data processing~~ information technology  
28 services to ensure conformance with the ~~statewide data processing plan~~ state information technology  
29 strategic plan and statewide ~~data~~ information technology network; and

30       ~~(e)(d)~~ operate and maintain a central computer center and a statewide ~~data~~ information technology



1 network for the use of all state agencies and political subdivisions.

2 (2) (a) The responsibilities of the director under subsections ~~(1)(b)~~ (1)(a) through ~~(1)(d)~~ (1)(c) do  
3 not apply to the Montana university system or to the office of the superintendent of public instruction. The  
4 university system and the office of the superintendent of public instruction are exempt from the  
5 requirements of subsections ~~(1)(b)~~ (1)(a) through ~~(1)(d)~~ (1)(c) unless a ~~data processing~~ an information  
6 technology activity proposed by the university system or the office of the superintendent of public  
7 instruction affects the operation of the central computer center or the statewide ~~data~~ information  
8 technology network. If the university system or the office of the superintendent of public instruction  
9 determines that the central computer center or the statewide ~~data~~ information technology network will be  
10 affected by the proposed activity, the agency shall notify the director and the proposed activity is subject  
11 to the requirements of subsections ~~(1)(b)~~ (1)(a) through ~~(1)(d)~~ (1)(c).

12 (b) For purposes of subsection (2)(a), a ~~data processing~~ an information technology activity affects  
13 the operation of the central computer center or the statewide ~~data~~ information technology network if it  
14 adds to the processing workload, capacity, or support service requirements of the central computer center  
15 or the statewide ~~data~~ information technology network.

16 (3) When reviewing ~~data processing~~ information technology activities submitted by the university  
17 system or the office of the superintendent of public instruction under subsections ~~(1)(b)~~ (1)(a) through  
18 ~~(1)(d)~~ (1)(c), the department shall consider and make reasonable allowances for the unique educational  
19 needs and characteristics of the university system and the office of the superintendent of public instruction  
20 to communicate and share data with units of the university system and with school districts.

21 ~~(4) As used in subsections (1) and (2), the following definitions apply:~~

22 ~~— (a) "Central computer center" means any:~~

23 ~~— (i) shared or sharable computer system and facilities provided by the department for use by~~  
24 ~~government agencies; or~~

25 ~~— (ii) computer operations and software development support services provided by the department.~~

26 ~~— (b) "Statewide data network" means any telecommunications facility, circuits, equipment, or~~  
27 ~~software administered by the department for the transmission of data from one computer to another by~~  
28 ~~government agencies."~~

29

30 **Section 30.** Section 2-17-503, MCA, is amended to read:

1           **"2-17-503. Security responsibilities of department of administration.** The department of  
2 administration, in conjunction with the office of information technology, is responsible for providing  
3 centralized management and coordination of state policies for security of data and information technology  
4 resources and shall:

5           (1) establish and maintain the minimum security standards and policies to implement 2-15-114,  
6 including the physical security of central and backup computer facilities consistent with these standards;

7           (2) establish guidelines to assist agencies in identifying electronic data processing personnel  
8 occupying positions of special trust or responsibility or sensitive locations;

9           (3) establish standards and policies for the exchange of data between data centers or departments  
10 by hardwired or nondedicated telecommunications to ensure that exchanges do not jeopardize data  
11 security and confidentiality;

12           (4) coordinate and provide for a training program regarding security of data and information  
13 technology resources to serve governmental technical and managerial needs;

14           (5) include appropriate security requirements in the specifications for solicitation of state contracts  
15 for procuring data and information technology resources; and

16           (6) upon request, provide technical and managerial assistance relating to the security program."  
17

18           **Section 31.** Section 5-11-402, MCA, is amended to read:

19           **"5-11-402. Legislative branch computer system planning council.** There is a legislative branch  
20 computer system planning council composed of:

21           (1) the secretary of the senate or another representative of the senate designated by the president;

22           (2) the chief clerk of the house of representatives or another representative of the house  
23 designated by the speaker;

24           (3) the sergeants-at-arms in the two houses or another representative of each house designated  
25 by the presiding officer of the legislative administration committee of that house;

26           (4) the executive director of the legislative services division, who shall chair the planning council;

27           (5) the legislative auditor;

28           (6) the legislative fiscal analyst;

29           (7) the consumer counsel; and

30           (8) a person designated by the ~~director~~ chief information officer of the ~~department of~~

~~administration office of information technology to represent the data processing policy and planning functions information technology responsibilities of the office and the department of administration, who shall serve as a nonvoting member of the planning council."~~

**Section 32.** Section 5-11-403, MCA, is amended to read:

**"5-11-403. Duties of legislative branch computer system planning council.** (1) The legislative branch computer system planning council shall develop and maintain a legislative branch computer system plan. In developing and maintaining this plan, the planning council shall:

(a) continuously review or have reviewed existing information systems that are candidates for automation or enhancement, as well as review existing automated systems that may be improved or integrated with new applications;

(b) develop and maintain a description of functions or services in the legislative branch and its agencies that would, through application or improvement of computer technology, provide better service to members of the legislature, legislative agencies, and the public;

(c) develop and maintain a ranking of needs, taking into consideration the relative effectiveness and probable cost of alternative systems; and

(d) develop and maintain recommended system standards for the legislative branch and standard or custom software and hardware solutions appropriate to the needs and environment of the legislative branch and its agencies.

(2) To the extent possible:

(a) future applications should be explicitly identified in the plan;

(b) current applications should allow a high degree of flexibility so that future applications are not limited; and

(c) both current and future applications should be coordinated and compatible with the standards and goals of the executive branch established under ~~2-17-501 through 2-17-503~~ [section 13], as well as the legislative branch standards developed in accordance with the requirement in subsection (1)(d)."

**Section 33.** Section 5-12-205, MCA, is amended to read:

**"5-12-205. Powers and duties of committee.** The committee:

(1) may organize, adopt rules to govern its proceedings, and meet as often as necessary, upon

1 the call of the presiding officer, to advise and consult with the legislative fiscal analyst;

2 (2) may employ and, in accordance with the rules for classification and pay adopted by the

3 legislative council, set the salary of the legislative fiscal analyst. The legislative fiscal analyst shall serve

4 at the pleasure of and be responsible for providing services to the committee.

5 (3) may exercise the investigatory powers of a standing committee under chapter 5, part 1, of

6 this title; ~~and~~

7 (4) shall perform the administrative rule review functions of an interim committee under 5-5-215

8 for the office of information technology;

9 (5) shall monitor the operation of the office of information technology with specific attention to:

10 (a) identification of issues likely to require future legislative attention; and

11 (b) the evaluation of proposed information technology policy changes and the fiscal implications

12 of the proposed changes and provide written responses to the office of information technology

13 communicating the committee's positions and concerns on proposed policy changes;

14 (6) may accumulate, compile, analyze, and provide information relevant to existing or proposed

15 legislation on how information technology can be used to impact the welfare of the state;

16 (7) may prepare legislation to implement any proposed changes involving information technology;

17 and

18 ~~(4)~~(8) shall, before each regular and special legislative session involving budgetary matters,

19 prepare recommendations to the house appropriations committee and the senate finance and claims

20 committee on the application of certain budget issues. At a minimum, the recommendations must include

21 procedures for the consistent application during each session of inflation factors, the allocation of fixed

22 costs, and the personal services budget. The committee may also make recommendations on other issues

23 of major concern in the budgeting process, such as estimating the cost of implementing particular

24 programs based upon present law."

25

26 **Section 34.** Section 10-3-106, MCA, is amended to read:

27 **"10-3-106. Communications.** (1) The division shall coordinate whatever means exist for rapid and

28 efficient communications in time of emergency or disaster.

29 (2) The division shall, in cooperation with the ~~division of communications, department of~~

30 ~~administration~~ office of information technology, consider the desirability of supplementing communications

1 resources or of integrating them into a comprehensive state or state-federal telecommunications or other  
2 communications system or network.

3 (3) The division shall, in cooperation with the ~~division of communications~~ office of information  
4 technology and local political subdivisions, evaluate the possibility of multipurpose use of communications  
5 systems or networks for general state and local governmental purposes.

6 (4) The division shall assist political subdivisions in the orderly development of telecommunications  
7 systems complementary to the state telecommunications system or network."

8

9 **Section 35.** Section 17-7-111, MCA, is amended to read:

10 **"17-7-111. Preparation of state budget -- agency program budgets -- form distribution and**  
11 **contents.** (1) (a) To prepare a state budget, the executive branch, the legislature, and the citizens of the  
12 state need information that is consistent and accurate. Necessary information includes detailed  
13 disbursements by fund type for each agency and program for the appropriate time period,  
14 recommendations for creating a balanced budget, and recommended disbursements and estimated receipts  
15 by fund type and fund category.

16 (b) Subject to the requirements of this chapter, the budget director and the legislative fiscal  
17 analyst shall by agreement:

18 (i) establish necessary standards, formats, and other matters necessary to share information  
19 between the agencies and to ensure that information is consistent and accurate for the preparation of the  
20 state's budget; and

21 (ii) provide for the collection and provision of budgetary and financial information that is in addition  
22 to or different from the information otherwise required to be provided pursuant to this section.

23 (2) In the preparation of a state budget, the budget director shall, not later than the date specified  
24 in 17-7-112(1), distribute to all agencies the proper forms and instructions necessary for the preparation  
25 of budget estimates by the budget director. These forms must be prescribed by the budget director to  
26 procure the information required by subsection (3). The forms must be submitted to the budget director  
27 by the date provided in 17-7-112(2) or the agency's budget is subject to preparation based upon estimates  
28 as provided in 17-7-112(5). The budget director may refuse to accept forms that do not comply with the  
29 provisions of this section or the instructions given for completing the forms.

30 (3) The agency budget request must set forth a balanced financial plan for the agency completing

1 the forms for each fiscal year of the ensuing biennium. The plan must consist of:

2 (a) a consolidated agency budget summary of funds subject to appropriation or enterprise funds  
3 that transfer profits to the general fund or to an account subject to appropriation for the current base  
4 budget expenditures, including statutory appropriations, and for each present law adjustment and new  
5 proposal request setting forth the aggregate figures of the full-time equivalent personnel positions (FTE)  
6 and the budget, showing a balance between the total proposed disbursements and the total anticipated  
7 receipts, together with the other means of financing the budget for each fiscal year of the ensuing  
8 biennium, contrasted with the corresponding figures for the last completed fiscal year and the fiscal year  
9 in progress;

10 (b) a schedule of the actual and projected receipts, disbursements, and solvency of each  
11 accounting entity within each fund for the current biennium and estimated for the subsequent biennium;

12 (c) a statement of the agency mission and a statement of goals and objectives for each program  
13 of the agency. The goals and objectives must include, in a concise form, sufficient specific information and  
14 quantifiable information to enable the legislature to formulate an appropriations policy regarding the agency  
15 and its programs and to allow a determination, at some future date, on whether the agency has succeeded  
16 in attaining its goals and objectives.

17 (d) actual FTE and disbursements for the completed fiscal year of the current biennium, estimated  
18 FTE and disbursements for the current fiscal year, and the agency's request for the ensuing biennium, by  
19 program;

20 (e) actual disbursements for the completed fiscal year of the current biennium, estimated  
21 disbursements for the current fiscal year, and the agency's recommendations for the ensuing biennium,  
22 by disbursement category;

23 (f) a reference, for each program included in the agency budget request, identifying whether the  
24 program may be operated at the discretion of the agency or whether the agency is required by federal or  
25 state law to operate, administer, or manage the program;

26 (g) for only agencies with more than 20 FTE, a plan to reduce the proposed budget to 85% of the  
27 current base budget. The plan must include:

28 (i) a prioritized list of services that would be eliminated or reduced;

29 (ii) for each service included in the prioritized list, the savings that would result from the elimination  
30 or reduction; and

(iii) the consequences or impacts of the proposed elimination or reduction of each service.

(h) a reference for each new information technology proposal stating whether the new proposal is included in the approved agency information technology plan as required in [section 16]; and

~~(h)~~(i) other information the budget director feels is necessary for the preparation of a budget.

(4) The budget director shall prepare and submit to the legislative fiscal analyst in accordance with 17-7-112:

(a) detailed recommendations for the state long-range building program. Each recommendation must be presented by institution, agency, or branch, by funding source, with a description of each proposed project.

(b) a statewide summary of recommendations for information technology projects and new initiatives. Each recommendation must be presented by institution, agency, or branch and by funding source, and recommendations for major new information technology projects must contain the information identified in [section 16].

~~(b)~~(c) the proposed pay plan schedule for all executive branch employees at the program level by fund, with the specific cost and funding recommendations for each agency. Submission of a pay plan schedule under this subsection is not an unfair labor practice under 39-31-401.

~~(c)~~(d) agency proposals for the use of cultural and aesthetic project grants under Title 22, chapter 2, part 3, the renewable resource grant and loan program under Title 85, chapter 1, part 6, the reclamation and development grants program under Title 90, chapter 2, part 11, and the treasure state endowment program under Title 90, chapter 6, part 7.

(5) The board of regents shall submit, with its budget request for each university unit in accordance with 17-7-112, a report on the university system bonded indebtedness and related finances as provided in this subsection (5). The report must include the following information for each year of the biennium, contrasted with the same information for the last completed fiscal year and the fiscal year in progress:

(a) a schedule of estimated total bonded indebtedness for each university unit by bond indenture;

(b) a schedule of estimated revenue, expenditures, and fund balances by fiscal year for each outstanding bond indenture, clearly delineating the accounts relating to each indenture and the minimum legal funding requirements for each bond indenture; and

(c) a schedule showing the total funds available from each bond indenture and its associated

1 accounts, with a list of commitments and planned expenditures from such accounts, itemized by revenue  
2 source and project for each year of the current and ensuing bienniums.

3 (6) The budget director may not obtain copies of individual income tax records protected under  
4 15-30-303. The department of revenue shall make individual income tax data available by removing  
5 names, addresses, occupations, social security numbers, and taxpayer identification numbers. The  
6 department of revenue may not alter the data in any other way. The data is subject to the same  
7 restrictions on disclosure as are individual income tax returns."

8  
9 **Section 36.** Section 17-7-112, MCA, is amended to read:

10 **"17-7-112. Submission deadlines -- budgeting schedule.** The following is the schedule for the  
11 preparation of a state budget for submission to the legislature convening in the following year:

12 (1) By August 1, forms necessary for preparation of budget estimates must be distributed pursuant  
13 to 17-7-111(2).

14 (2) By September 1, each agency shall submit the information required under 17-7-111 to the  
15 budget director. The department of justice shall submit information received from counties concerning the  
16 state's share of county attorney salaries.

17 (3) By September 1, the budget director shall submit each state agency's budget request required  
18 under 17-7-111(3) to the legislative fiscal analyst. The transfer of budget information must be done on  
19 a schedule mutually agreed to by the budget director and the legislative fiscal analyst in a manner that  
20 facilitates an even transfer of budget information that allows each office to maintain a reasonable staff  
21 workflow.

22 (4) By October 10, the budget director shall furnish the legislative fiscal analyst with a preliminary  
23 budget reflecting the base budget in a format agreed upon by both the office of budget and program  
24 planning and the legislative fiscal analyst.

25 (5) By October 30, a budget request must be prepared by the budget director and submitted to  
26 the legislative fiscal analyst on behalf of any agency that did not present the information required by this  
27 section. The budget request must be based upon the budget director's studies of the operations, plans,  
28 and needs of the institution, university unit, or agency.

29 (6) By November 1, the budget director shall furnish the legislative fiscal analyst with a present  
30 law base for each agency and a copy of the documents that reflect the anticipated receipts and other



1 means of financing the base budget and present law base for each fiscal year of the ensuing biennium.  
2 The material must be in a format agreed upon by both the office of budget and program planning and the  
3 legislative fiscal analyst.

4 (7) By November 12, the budget director shall furnish the legislative fiscal analyst with the  
5 documents, in a format agreed upon by both the office of budget and program planning and the legislative  
6 fiscal analyst, that reflect expenditures to the second level, as provided in 17-1-102(3), by funding source  
7 and detailed by accounting entity.

8 (8) By November 15, the proposed pay plan schedule and the statewide summary of  
9 recommendations for information technology projects required by 17-7-111(4), a preliminary budget that  
10 meets the statutory requirements for submission of the budget to the legislature, and a summary of the  
11 preliminary budget designed for distribution to members and members-elect of the legislature must be  
12 submitted to the legislative fiscal analyst.

13 (9) By December 15, the budget director shall submit a preliminary budget to the governor and  
14 to the governor-elect, if there is one, as provided in 17-7-121, and shall furnish the legislative fiscal analyst  
15 with all amendments to the preliminary budget.

16 (10) By January 7, recommended changes proposed by a governor-elect must be transmitted to  
17 the legislative fiscal analyst and the legislature as provided in 17-7-121."

18

19 **Section 37.** Section 17-7-123, MCA, is amended to read:

20 **"17-7-123. Form of executive budget.** The budget submitted must set forth a balanced financial  
21 plan for funds subject to appropriation and enterprise funds that transfer profits to the general fund or to  
22 accounts subject to appropriation for each accounting entity and for the state government for each fiscal  
23 year of the ensuing biennium. The base level plan must consist of:

24 (1) a consolidated budget summary setting forth the aggregate figures of the budget in a manner  
25 that shows a balance between the total proposed disbursements and the total anticipated receipts,  
26 together with the other means of financing the budget for each fiscal year of the ensuing biennium,  
27 contrasted with the corresponding figures for the last completed fiscal year and the fiscal year in progress.  
28 The consolidated budget summary must be supported by explanatory schedules or statements.

29 (2) budget and full-time equivalent personnel position comparisons by agency, program, and  
30 appropriated funds for the current and subsequent biennium;

(3) the departmental mission and a statement of goals and objectives for each program of the department;

(4) base budget disbursements for the completed fiscal year of the current biennium, estimated comparable disbursements for the current fiscal year, and the proposed present law base budget plus new proposals, if any, for each department and each program of the department;

(5) a statement containing recommendations of the governor for the ensuing biennium by program and disbursement category, including:

(a) explanations of appropriation and revenue measures included in the budget that involve policy changes; ~~and~~

(b) matters not included as a part of the budget bill but included as a part of the executive budget, such as the state employee pay plan, programs funded through separate appropriations measures, and other matters considered necessary for comprehensive public and legislative consideration of the state budget; and

(c) a summary of budget requests that include proposed expenditures on information technology resources. The summary must include funding and program references;

(6) a report on:

(a) enterprise funds not subject to the requirements of subsections (1) through (5), including retained earnings and contributed capital, projected operations and charges, and projected fund balances; and

(b) fees and charges in the internal service fund type, including changes in the level of fees and charges, projected use of the fees and charges, and projected fund balances. Fees and charges in the internal service fund type must be approved by the legislature in the general appropriations act. Fees and charges in a biennium may not exceed the level approved by the legislature in the general appropriations act effective for that biennium.

(7) any other financial or budgetary material agreed to by the budget director and the legislative fiscal analyst."

**Section 38.** Section 18-4-313, MCA, is amended to read:

**"18-4-313. Contracts -- terms, extensions, and time limits.** (1) Unless otherwise provided by law, a contract, lease, or rental agreement for supplies or services may not be made for a period of more than

1 7 years. However, the department may contract for ~~the lease or purchase of telecommunications~~  
2 ~~equipment and systems, data processing equipment~~ information technology resources, the department of  
3 revenue may contract with liquor agencies, and the department of public health and human services may  
4 contract for the medicaid management information system (MMIS) for a period not to exceed 10 years.  
5 A contract, lease, or rental agreement may be extended or renewed if the terms of the extension or  
6 renewal, if any, are included in the solicitation, if funds are available for the first fiscal period at the time  
7 of the agreement, and if the total contract period, including any extension or renewal, does not exceed  
8 7 years. Payment and performance obligations for succeeding fiscal periods are subject to the availability  
9 and appropriation of funds for the fiscal periods.

10 (2) Prior to the issuance, extension, or renewal of a contract, it must be determined that:

11 (a) estimated requirements cover the period of the contract and are reasonably firm and  
12 continuing; and

13 (b) the contract will serve the best interests of the state by encouraging effective competition or  
14 otherwise promoting economies in state procurement.

15 (3) ~~When~~ If funds are not appropriated or otherwise made available to support continuation of  
16 performance in a subsequent fiscal period, the contract must be canceled."

17  
18 **Section 39.** Section 20-32-102, MCA, is amended to read:

19 **"20-32-102. Agency cooperation -- responsibilities.** (1) To meet the objectives of the network,  
20 the following entities shall cooperate with one another:

21 (a) the department of administration, with its responsibilities for telecommunications for agencies  
22 of state government;

23 (b) the superintendent of public instruction, with a supervisory role over the public system of  
24 elementary and high schools; ~~and~~

25 (c) the commissioner of higher education, with responsibilities to the Montana university system  
26 and the community colleges; and

27 (d) the office of information technology, with its responsibilities for setting the policies and  
28 standards for statewide information technology resources.

29 (2) The responsibilities of the superintendent of public instruction to the network include but are  
30 not limited to:

1 (a) general supervision of delivery of educational materials through telecommunications to  
2 elementary and high school districts in the state;

3 (b) compilation, maintenance, and dissemination to participating school districts of information that  
4 identifies the educational programming available from within and from outside the state;

5 (c) training of teachers and other school personnel in the use of telecommunications technologies  
6 for instructional purposes;

7 (d) assistance to school districts in identifying and procuring the telecommunications technologies  
8 needed to interface with the network;

9 (e) identification of production capability for telecommunication of educational materials;

10 (f) assistance to participating school districts with group purchases of instructional and educational  
11 materials;

12 (g) coordination with the commissioner of higher education and the units of the Montana university  
13 system to offer advanced placement courses, teacher inservice training, and other instruction through the  
14 network;

15 (h) payment of the superintendent's share of the network costs to the department of  
16 administration, as provided in 20-32-104;

17 (i) coordination with the ~~department of administration~~ office of information technology to ensure  
18 compatibility of network components, to minimize duplication of efforts on behalf of the network, and to  
19 maximize use of the network by school districts; and

20 (j) determination of kinds of equipment, inservice, and district accounting necessary to implement  
21 the provisions of this part for school districts.

22 (3) The responsibilities of the department of administration to the network include but are not  
23 limited to:

24 (a) provision of technical support to the coordinating agencies referred to in subsection (1);

25 ~~(b) development of standards of compatibility for the network;~~

26 ~~—(c)~~ (c) procurement and management of network equipment and facilities that have shared use by  
27 multiple users or agencies;

28 ~~(d)~~(c) assistance with procurement, installation, maintenance, and operation of end-terminal  
29 equipment and facilities of the network;

30 ~~(e)~~(d) minimizing any duplication of equipment and facilities within the network and in conjunction

1 with the department of administration's other networking capabilities;

2 ~~(f)~~(e) coordination of use of the network by state agencies, subdivisions of the state, and public  
3 libraries in a manner that does not interfere with the delivery of the primary network function of providing  
4 educational services to school districts and state units of higher education; and

5 ~~(g) studying the use of the network by Native American tribal colleges and other nonpublic~~  
6 ~~education institutions in the state, with the long-range goal of coordinating the use of the network with~~  
7 ~~those entities; and~~

8 ~~———(h)(f)~~ maintenance of cost and usage records and a billing system for user agencies for services  
9 rendered that incur marginal costs for the network.

10 (4) The responsibilities of the commissioner of higher education to the network include but are not  
11 limited to:

12 (a) coordination of the use of the network among the units of higher education and with the  
13 superintendent of public instruction and the department of administration;

14 (b) assistance to the units of the Montana university system to provide college credit courses  
15 through the network to students throughout the state;

16 (c) coordination with the superintendent of public instruction to develop advance placement  
17 courses for high school students in Montana, teacher inservice training, and other services and instruction  
18 through the network;

19 (d) assistance to the units of the Montana university system and the community colleges in  
20 defining their specific needs for interfacing with the network;

21 (e) assistance to participating units, centers, and colleges with group purchases of instructional  
22 and educational materials; and

23 (f) determination of the kinds of equipment, inservice, and accounting necessary to implement the  
24 provisions of this part for the university system and community colleges.

25 (5) The responsibilities of the office of information technology to the network include but are not  
26 limited to:

27 (a) developing a state information technology strategic plan;

28 (b) developing standards of compatibility for the network; and

29 (c) studying the use of the network by tribal colleges and other nonpublic educational institutions  
30 in the state, with the long-range goal of coordinating the use of the network with those entities."

1

2       **Section 40.** Section 61-3-345, MCA, is amended to read:

3       **"61-3-345. County motor vehicle computer system.** (1) The department shall maintain a statewide  
4 online computer system to be used to register and reregister motor vehicles, boats, snowmobiles, and  
5 off-highway vehicles.

6       (2) The department shall establish the user advisory group to assist in the development of policies  
7 governing the registration and reregistration of motor vehicles, boats, snowmobiles, and off-highway  
8 vehicles. The user advisory group must be appointed by the attorney general and must include:

9       (a) an employee of the department of administration, data processing information services division,  
10 selected by the ~~division administrator~~ chief information officer of the office of information technology;

11       (b) two county treasurers, selected by the Montana county treasurers association;

12       (c) one county motor vehicle section supervisor, selected by the Montana county treasurers  
13 association;

14       (d) an employee of the department of revenue who is engaged in property assessment, selected  
15 by the director of the department of revenue;

16       (e) an employee of the department of justice, data processing division, selected by the division  
17 administrator;

18       (f) an employee of the department of justice, motor vehicle division, registrar's bureau, selected  
19 by the division administrator;

20       (g) an employee of the department of justice, motor vehicle division, driver services bureau,  
21 selected by the division administrator;

22       (h) a member of the Montana bankers' association, selected by the association director;

23       (i) a member of the Montana automobile dealers association, selected by the association director;  
24 and

25       (j) a member or employee of the Montana American automobile association, selected by the  
26 association director.

27       (3) Committee members who are not employees of the state of Montana shall serve a term of 2  
28 years, and state employee members shall serve at the pleasure of the attorney general.

29       (4) Travel and per diem expenses for the committee must be charged to the motor vehicle division.

30       (5) Secretarial and support services for the committee must be provided by the motor vehicle

1 division.

2 (6) The committee shall meet no more than four times a year unless specifically called by the  
3 attorney general."

4

5 **Section 41.** Section 61-3-346, MCA, is amended to read:

6 **"61-3-346. County motor vehicle computer committee.** (1) There is a county motor vehicle  
7 computer committee.

8 (2) The committee is allocated to the department of justice for administrative purposes only as  
9 provided in 2-15-121.

10 (3) The committee consists of:

11 (a) an employee of the ~~information service division of the department of administration~~ office of  
12 information technology, appointed by the ~~director of the department of administration~~ chief information  
13 officer of the office of information technology;

14 (b) two county treasurers, appointed by the Montana county treasurers association; and

15 (c) two employees of the department of justice, appointed by the attorney general."

16

17 **Section 42.** Section 61-3-347, MCA, is amended to read:

18 **"61-3-347. Duties of county motor vehicle computer committee.** (1) The county motor vehicle  
19 computer committee shall:

20 (a) establish the requirements and specifications for the county motor vehicle computer system  
21 to be used by county treasurers and the department of justice to register and reregister motor vehicles,  
22 boats, snowmobiles, and off-highway vehicles;

23 (b) approve the purchase of computer equipment, including peripherals, to be used for the  
24 registration and reregistration of motor vehicles, boats, snowmobiles, and off-highway vehicles;

25 (c) approve the procedures for the development of the county motor vehicle computer system  
26 provided for in 61-3-345 and for training in the use of that system.

27 (2) As used in this section, "computer system" means the county motor vehicle application system  
28 and does not include the central computer centers or imply that the ~~department of administration~~ office  
29 of information technology is responsible for establishing policy and operating and maintaining central  
30 computer centers."

1

2        NEW SECTION. **Section 43. Transition.** (1) The provisions of 2-15-131 through 2-15-137 apply  
3 to [sections 1 through 17].

4        (2) The budget director shall direct the state treasurer to transfer an amount necessary from the  
5 department of administration's information technology proprietary fund to support the operations of the  
6 office of information technology provided for in [section 1].

7

8        NEW SECTION. **Section 44. Repealer.** Sections 2-17-304, 2-17-305, 2-17-321, and 2-17-502,  
9 MCA, are repealed.

10

11        NEW SECTION. **Section 45. Codification instruction.** (1) [Sections 1 and 2] are intended to be  
12 codified as an integral part of Title 2, chapter 15, part 2, and the provisions of Title 2, chapter 15, part  
13 2, apply to [sections 1 and 2].

14        (2) [Sections 3 through 17] are intended to be codified as an integral part of Title 2, chapter 17,  
15 part 5, and the provisions of Title 2, chapter 17, part 5, apply to [sections 3 through 17].

16

17        NEW SECTION. **Section 46. Effective date.** [This act] is effective July 1, 2001.

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- END -